

ORDINANCE NO. 2006-01
ANIMAL CONTROL

SECTION 1
DEFINITIONS

- A. "Abandonment" means failure to redeem an impounded animal within 72 hours of incarceration, leaving an animal in any place where it may suffer injury, hunger or exposure or become a public charge or changing residence and failing to move an animal within 24 hours.
- B. "Animal" means all dogs, cats and ferrets, for the purpose of this ordinance.
- C. "Animal Control Center" means _____.
- D. "Animal Control Officer" means any Jefferson County Law Enforcement Officer, Health Officer or Animal Control Officer.
- E. "Bite" means any abrasion, scratch, puncture, laceration, bruise, tear, or piercing of the skin inflicted by the teeth of an animal.
- F. "Cat" means any feline animal, of either sex (whether or not spayed or neutered) that is being kept as a cat.
- G. "Collar" means a band, chain harness, or other suitable device worn on an animal to which a tag may be affixed. This instrument shall be substantial enough to endure the animal's activity without being lost or without inflicting pain to the animal.
- H. "Dog" means any canine animal, of either sex (whether or not spayed or neutered) or any dingo, wolf, coyote, or cross that is being kept as a dog.
- I. "Ferret" means a weasel-like animal that is being kept as a pet.
- J. "Kennel" means any establishment where five (5) or more animals over the age of four (4) months are kept.
- K. "Owner" means every person who owns, harbors, or keeps a dog, cat or ferret.
- L. "Rabies Vaccination" means any inoculation administered by a veterinarian with any rabies vaccine, the use of which is licensed by the United States Department of Agriculture.
- M. "Residence" means all conventionally constructed homes, as well as all mobile homes and manufactured housing, which may serve as living quarters for one or more individuals or a family.
- N. "Running at Large" means any animal which is off the premises of the owner and is not under the immediate and continued control of its owner or an authorized agent of the owner either by leash or voice and/or signal control. Dogs controlling or protecting livestock or in other related agricultural activities, are to be excluded from this definition.
- O. "Stray" means any animal which does not have an I.D. tag, or rabies tag attached to it, or a micro chip implant, and which is found off the property of the owner.
- P. "Veterinarian" means a doctor of veterinary medicine holding a valid license to practice his or her profession.
- Q. "Vicious Animal" means any animal which bites or attempts to bite any human being without provocation and not in defense of person or property, or which harasses, chases, bites, or attempts to bite any other animal. Any animal, while running at large, which bites or attacks any person or animal shall be deemed to be a vicious animal.

Section 2
ENFORCEMENT

The Jefferson County Animal Control Officer or designated Law Enforcement Officials are hereby vested with the power and authority necessary to enforce the provisions of this Ordinance.

It shall be unlawful and punishable under the penalty provisions of Section 7 of this Ordinance for any person to knowingly or intentionally interfere with any animal control officer in the lawful discharge of their duties as herein prescribed.

Section 3

ANIMALS RUNNING AT LARGE, BARKING OR HOWLING

A. It shall be unlawful for any owner of an animal to allow it to run at large within Jefferson County. Animals found to be running at large shall be subject to impoundment at owner's expense

B. It is unlawful for any person to keep, own, harbor or maintain any animal which consistently annoys or disturbs the peace of any person by undue barking or howling.

C. Any person violating any of the provisions of this section shall, upon conviction, be fined not more than five hundred dollars (\$500.00).

Nothing in this section shall be interpreted so as to restrict or prohibit the activities of dogs while being used as sled dogs, while hunting under control of their owner or while used in agricultural or livestock operations.

Section 4

IMPOUNDMENT

A. The following are subject to impoundment:

1. Any animal being kept or maintained contrary to the provisions of this Ordinance.
2. Any animal running at large contrary to the provisions of this Ordinance.
3. Any animal not wearing a current rabies tag in accordance with Section 5 of this Ordinance.
4. Any sick or injured animal whose owner cannot be located.
5. Any abandoned animal.
6. Any animal held for quarantine.
7. Any stray animal.
8. Any vicious animal found in violation of Section 6 of this Ordinance.

B. Pursuit of Animal: The Animal Control Officer is hereby empowered and authorized to apprehend any animal which is running at large. If said animal enters private property, it shall be at the discretion of trained law enforcement to determine the need for a warrant. This Section does not authorize the Officer or Deputy Sheriff to enter any private residence.

C. If such impounded animal has an ID tag, the Jefferson County Animal Control Officer shall notify the owner of said animal, within one (1) business day, by telephone or personal notice, that the animal has been impounded and where it may be redeemed.

If, after 72 hours, an animal is not claimed by its owner and the appropriate fees paid, the animal may be sold or given to a private individual upon payment of the necessary fees or it may be destroyed.

If the owner of any impounded animal can not be identified within five (5) business days, the animal may be sold or given to a private individual upon payment of the necessary fees or it may be destroyed.

D. Impoundment Fees and Board. An initial impoundment fee and board fee shall be charged for each animal that is in custody. The refusal or failure of the owner of the animal to pay the impoundment fee and board fee after notification shall be deemed an abandonment of the animal by the owner. All veterinary bills or professional service bills incurred during the impoundment shall be paid by the owner in addition to the impoundment fee and board. These fees apply to each animal impounded.

Section 5

RABIES CONTROL

It shall be the duty of every person or owner keeping, harboring, or maintaining any dog, cat or ferret to provide effective rabies vaccination for such animals. Vaccination must be performed by a licensed veterinarian in accordance with procedures recommended in the latest version of the U.S. public health compendium for rabies vaccine. Rabies vaccination requirements do not apply to puppies and kittens under 3 months of age. This provision shall not apply to:

- A. Licensed veterinarians.
- B. Grooming parlors.

If an animal bites a person in Jefferson County, the bite shall immediately be reported to the Jefferson County Animal Control Officer, who, at their discretion, may issue a written order requiring the animal's owner to quarantine, for 10 days or surrender the animal at the owner's expense, to an appropriate kennel or licensed veterinarian

1. In the case of an unvaccinated animal which is known to have been bitten by a known rabid or suspected rabid animal, said bitten animal must be immediately destroyed or held in quarantine for 6 months in a place and manner approved by the state veterinarian at the owner's expense. The animal must then be vaccinated in accordance with the U.S. public health compendium for rabies vaccine, held in quarantine for an additional 14 days, and then released.
2. In the case of a vaccinated animal which is known to have been bitten by a known rabid or suspected rabid animal, said animal shall be revaccinated and released. Said animal shall be destroyed if the owner does not comply with the provisions of this section.

It shall be unlawful and punishable by imprisonment in the Jefferson County Jail not to exceed six months or by a fine not to exceed five hundred dollars (\$500.00) or both, for any person to refuse or fail to quarantine any animal as required by this Ordinance or to remove any animal quarantined from the place of quarantine without written permission from the Jefferson County Animal Control.

After the quarantine period, if the Jefferson County Animal Control determines that the animal is free of rabies, the owner may reclaim the animal upon payment of the boarding and impoundment fees.

If any animal under quarantine is diagnosed as being rabid, it shall be disposed of only under the orders and direction of the Jefferson County Animal Control and/or licensed veterinarian. Any animal which is destroyed or euthanized prior to being observed for 10 days must be surrendered to the Jefferson County Animal Control Officer or a licensed veterinarian for rabies testing.

Section 6

VIOUS ANIMAL

It shall be unlawful for any person to keep, harbor, or maintain any vicious animal in Jefferson County.

If any vicious animal is running at large or any animal appears to be mad or dangerous to the public, and it appears to the Animal Control Officer that it is necessary to destroy such an animal in order to protect the public from the animal, the Animal Control Officer is hereby authorized to destroy the animal.

If any animal, including but not limited to vicious dogs, bites a person living in Jefferson County, such animal bite shall immediately be reported to the Jefferson County Animal Control Officer. Any Animal

Control Officer may issue a written order requiring the owner of such animal to surrender the animal, at the owner's expense, to the Jefferson County Animal Control Center or to a licensed veterinarian. Such order may be served by the Animal Control Officer on the owner.

If the owner cannot be found at his place of residence, the order may be served by leaving it with a person at the residence or by placing it in a prominent place at the main entrance of such residence.

It is unlawful for any person to refuse or neglect to surrender any animal, within twenty-four (24) hours after the service of such order, and any Animal Control Officer shall seize and impound such animal at either the Jefferson County Animal Control Center or a licensed veterinarian's office, at the owner's expense.

In the event the owner is unknown or the animal is running at large, the Officer shall seize and impound the animal without notice. If the vicious animal is running at large and the officer is unable to seize and impound such animal, the animal may be destroyed by any law enforcement or animal control officer of this County without notice.

Any owner who keeps, harbors or maintains a vicious animal in violation of this Ordinance shall be guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars (\$500.00). It is the legislative purpose to impose absolute liability, as described in Section 45-2-104 M.C.A., for the conduct described in this Section. In addition, the Justice of the Peace or District Judge may order that the vicious animal be destroyed.

Section 7

VIOLATION

Unless otherwise stated herein, any person violating any part of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or six (6) months in the Jefferson County jail, or both, unless otherwise specified in this Ordinance. All fines collected under this Ordinance shall be paid into the County Treasury and shall be used to pay fees, salaries, costs or expenses for the enforcement of this Ordinance.

Section 8

SEVERABILITY

If any provision of this Ordinance is held to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions. To this end provisions of this Ordinance are to be severable.

DATED this 14th day of March

COMMISSIONERS

BOARD OF COUNTY

Jefferson County, Montana

By _____

Tom Lythgoe, Chairman

By _____

Chuck Notbohm, Commissioner

By _____

Ken Weber, Commissioner

ATTEST:
Bonnie Ramey, Clerk

